APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/472,910	12/27/1999	MICHAEL C. G. LEE	71493-639	9364

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EXAMINER
NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 02/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	
Advisory Action		09/472,910	LEE, MICHAEL C. G.	
		Examiner	Art Unit	
		Quynh H Nguyen	2642	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 November 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *(see attached)*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: *None*.

    Claim(s) objected to: *None*.

    Claim(s) rejected: *2-35*.
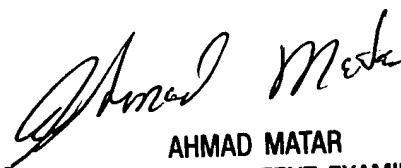
    Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____.

1.   Examiner acknowledges that the 102(b) rejection of claims 2-4, 7, 9, 16, 18-20, and 24 should have been 102(e). However, the substance of the rejection will remain the same. The claim limitations are still anticipated by the same reference. Examiner apologizes about this harmless error. Similarly, claim 9 was simply misgrouped and should have been rejected as being unpatentable over Sonesh in view of Bateman.

2.   With respect to claim 2, Applicant argues that Sonesh does not teach a query to determine device capabilities. Examiner respectfully disagrees. This is because the cited passage at col. 10, lines 50-56 teaches that the caller's computer is configured with correction software by the system. Even though "query" is not specifically used, it is inherent that the MMACD of the call center performs inherent queries to determine the configuration of the caller's computer. This inherent query is taught at Figure 6, steps 635 and 645, where the MMACD determines through the caller's browser whether the software of the caller's computer is updated. Furthermore, Sonesh teaches that the software downloaded is updated to the caller's computer performs specific applications and therefore, teaches that "configuring" is for determining the capabilities of the caller's computer (col. 6, lines 9-33).

3.   With respect to claims 16, 25, 27, and 29, Applicant argues that Sonesh does not teach soft keys. Examiner respectfully disagrees. This is because, and as shown in (1) above, the caller's computer is configured with application software. Again at col. 6, lines 20-33, Sonesh teaches that applications include "initiating" and "terminating" commands for different applications. These commands are inherently soft keys. Therefore, the Newton's reference does provide information to further show that Sonesh's commands are inherently soft keys.

4.   With respect to claim 24, Applicant argues that Sonesh does not teach requesting connection to an agent after first browsing information. Examiner respectfully disagrees. This is because Sonesh teaches providing multimedia information on-line, and then transferring callers to agents or messaging systems (col. 4, lines 23-27). The cited passage teaches that a caller browses web pages and only afterwards requests connection for an agent. These teachings show that browsing of information is independent of a connection request because the caller might not need agent assistance (see col. 6, lines 14-20 and 28-34).

5.   With respect to claims 8, 30, 34, and 35, Applicant argues that Sonesh does not teach requesting an alert or sending an alert message to a caller awaiting attendant availability. Examiner respectfully disagrees. This is because Sonesh teaches in Figure 6 step 640 periodic checks whether an agent becomes available, and if an agent is available, the caller is connected to that agent (col. 10, line 66 through col. 11, line 6).

qhn

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